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**Presentment Date: January 22, 2013**  
**Time: 12:00 p.m.**

**Objections Due: January 22, 2013**  
**Time: 11:00 a.m.**

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF PRESENTMENT BY TRUSTEE OF ORDER AMENDING SCHEDULING  
ORDER RELATING TO TIME-BASED DAMAGES ISSUE**

**PLEASE TAKE NOTICE** that Irving H. Picard, as trustee (the “**Trustee**”) for the  
substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the

estate of Bernard L. Madoff, seeks entry of the attached proposed order (the “**Proposed Order**”) amending the Scheduling Order to set a hearing and a briefing schedule regarding consideration of the issue of recalculation of account balances based on an interest factor or a constant dollar adjustment (collectively referred to as the “**Time-Based Damages Issue**”), dated September 5, 2012 [ECF No. 5022], to the Honorable Burton R. Lifland, Bankruptcy Judge of the United States Bankruptcy Court for the Southern District of New York, at One Bowling Green, New York, New York 10004, for signature and approval on **January 22, 2013 at 12:00 p.m. (Eastern Time)**.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the Proposed Order (“Objections”), shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefore; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the Chambers of the Honorable Burton R. Lifland, One Bowling Green, New York, New York 10004; and (v) be served upon (a) Baker & Hostetler LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David Sheehan, Esq. and Jorian Rose, Esq., and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq., so as to be received no later than **January 22, 2013 at 11:00 a.m. (Eastern Time)**.

**PLEASE TAKE FURTHER NOTICE**, that in the event any Objections are timely served and filed, a hearing may be held before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the

Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

**PLEASE TAKE FURTHER NOTICE**, that, unless Objections are timely served and filed, the proposed Order may be signed without a hearing.

Dated: New York, New York  
January 15, 2013

Respectfully submitted,

/s David J. Sheehan

David J. Sheehan

Jorian L. Rose

Seanna Brown

Bik Cheema

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the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and Bernard L. Madoff*